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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/262,751 03/04/99 SMITH

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EXAMINER

PERSINO, R

ART UNIT

PAPER NUMBER

2681

DATE MAILED:

07/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/262,751

Applicant(s)
Smith

Examiner
Raymond B. Persino

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2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 10, 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above, claim(s) 1-16 and 21-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 and 43-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of claims 17-20 and 43-45 (Group III) in Paper No. 5 is acknowledged.
2. This application contains claims 1-16 and 21-42 drawn to an invention nonelected with traverse in Paper No. 5. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-19, 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azzouni (US 4,870,702 A) in view of Hattori (US 5,633,096 A).

Regarding claim 17, Azzouni discloses an audio equipment component having a power supply, a circuit for producing an audio signal connected to the power supply and a charger connected to the power supply that provides power to the battery pack (column 1 lines 7-10,

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column 2 lines 19-28 and column 2 lines 63-67). However, Azzouni does not disclose a means for disposing the battery pack in the charger and removing the battery pack from the charger. Hattori discloses a holder for a battery pack that allows the battery pack to make electrical connection with a device external to itself when disposed in the holder and having the means to be able to removing the battery pack (column 1 line 36 to column 2 line 40). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the teaching of a removable battery containing means of Hattori utilized in conjunction with the charger in the housing of Azzouni. The combination would allow for easy removal/replacement of batteries. This is particularly beneficial when it is necessary to replace a defective rechargeable battery. Alternatively, this would also allow the battery to be used as a power source for another device.

Regarding claim 18, see the rejection of claim 17 regarding the subject matter this claim is dependant upon. Hattori further discloses inserting the battery pack into a power tool (column 1 line 36 to column 2 line 40 and figure 6).

Regarding claim 19, see the rejection of claim 17 regarding the subject matter this claim is dependant upon. Azzouni further discloses providing power to the audio signal circuit while providing power to the battery pack (column 1 lines 7-10, column 2 lines 19-28 and column 2 lines 63-67).

Regarding claim 43, Azzouni discloses an apparatus comprising: a housing; an audio circuit for producing an audio signal disposed in the housing; a charger disposed in the housing;

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a battery pack; a first electrical circuit in the charger for charging the battery pack and for powering the audio circuit; and a connector for connecting the first electrical circuit to a power source (column 1 lines 7-10, column 2 lines 19-28 and column 2 lines 63-67. However, Azzouni does not disclose a receptacle in the charger and that the battery pack is detachably connectable in a power tool mounted in the receptacle. Hattori discloses a holder for a battery pack that allows the battery pack to make electrical connection with a device external to itself when disposed in the holder and having the means to be able to removing the battery pack with the battery pack detachably connectable in a power tool (column 1 line 36 to column 2 line 40 and figure 6). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the teaching of a removable battery containing means of Hattori utilized in conjunction with the charger in the housing of Azzouni. The combination would allow for easy removal/replacement of batteries. This is particularly beneficial when it is necessary to replace a defective rechargeable battery. Alternatively, this would also allow the battery to be used a power source for another device.

Regarding claim 45, see the rejection of claim 43 regarding the subject matter this claim is dependant upon. Azzouni further discloses that the audio circuit is a radio circuit (column 2 lines 4-28)

5. Claims 20 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azzouni (US 4,870,702 A) in view of Hattori (US 5,633,096 A) and further in view of Schaefer et al (US 4,709,201 A).

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Regarding claim 20, see the rejection of claim 17 regarding the subject matter this claim is dependant upon. However, neither Azzouni nor Hattori disclose manually switching the power supply to provide power to the audio signal circuit from the battery pack. Schaefer et al discloses manually switching the power supply to provide power to the audio signal circuit from the battery pack (column 3 lines 16-65). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made manually switch the power supply to provide power to the audio signal circuit from the battery pack. Manual switching will force the operator to be aware of how the audio circuit is being powered. This is beneficial in that it will prevent accidental disruption of power to the audio circuit. For example the operator may think the audio circuit is powered from an AC source when it is in fact powered by the battery. If the operator then removes the battery, there will be no power to the audio circuit. Thus the manual switch helps to inform the operator of the current power source for the audio circuit.

Regarding claim 44, see the rejection of claim 43 regarding the subject matter this claim is dependant upon. However, neither Azzouni nor Hattori disclose that the connector is adapted for connection to be an AC power source, and the apparatus further comprising a second electrical circuit connectable to be the battery pack for powering the audio circuit when the connector is disconnected from an AC power source. Schaefer et al discloses a connector adapted for connection to be an AC power source, and a second electrical circuit connectable to be a battery pack for powering an audio circuit when the connector is disconnected from an AC power source (column 3 lines 16-65). Therefore it would have been obvious to a person of ordinary skill in

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the at the time the invention was made manually switch the power supply to be provide power to be the audio circuit from the battery pack. Manual switching will force the operator to be to be aware of how the audio circuit is being powered. This is beneficial in that it will prevent accidental disruption of power to be the audio circuit. For example the operator may think the audio circuit is power from an AC source when it is in fact powered by the battery. If the operator then removes the battery, there will to be no power to be the audio circuit. Thus the manual switch helps to be inform the operator of the current power source for the audio circuit.

Response to Arguments

6. Applicant's arguments filed 5/10/2001 have been fully considered but they are not persuasive.

Regarding the applicant's argument for claim 17, the examiner disagrees with the applicant's characterization of the references and their combination. The applicant contends that "Hattori does not disclose disposing a battery pack in and removing it from the charger." The examiner disagrees, the examiner is of the opinion that Hattori teaches of a battery pack being disposed in and removed from a housing and that it is charged within the housing (column 6 lines 7-11). Alternatively, even if Hattori by itself does not disclose "disposing a battery pack in and removing it from the charger," the combination of Hattori and Azzouni does. Azzouni discloses a housing with a battery and a charger within it. However, Azzouni is silent as to being able to remove and replace the battery. Rechargeable batteries have a limited life span and thus

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fail after time. This however is not necessarily true for the other hardware, thus unless the battery has some means of being replaced the entire device will be rendered useless if the battery is replaceable. Therefore, Azzouni's teaching benefits greatly with the addition of Hattori's teaching of being able to remove and replace a battery from a housing. The combination results in the device of Azzouni with Azzouni's battery being able to be removed and disposed within the housing as taught by Hattori.

Regarding the applicant's argument for claim 43, the examiner disagrees with the applicant's characterization of the references and their combination. The applicant contends that "Hattori discloses neither a charger having a receptacle, nor a battery pack mounted in the receptacle, connecting the battery pack to the charger." The examiner disagrees, the examiner is of the opinion that Hattori teaches of a battery pack being disposed in and removed from a receptacle in a housing and that it is charged within the housing thus inherently having a charger (column 6 lines 7-11). Alternatively, even if Hattori by itself does not disclose "neither a charger having a receptacle, nor a battery pack mounted in the receptacle, connecting the battery pack to the charger," the combination of Hattori and Azzouni does. Azzouni discloses a housing with a battery and a charger within it. However, Azzouni is silent as to being able to remove and replace the battery. Rechargeable batteries have a limited life span and thus fail after time. This however is not necessarily true for the other hardware, thus unless the battery has some means of being replaced the entire device will be rendered useless if the battery is replaceable. Therefore, Azzouni's teaching benefits greatly with the addition of Hattori's teaching of being able to remove

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and replace a battery from a housing. The combination results in the device of Azzouni with Azzouni's battery being able to be removed and disposed within the housing as taught by Hattori.

Regarding the applicant's argument for claim 20, the examiner disagrees with the applicant's characterization of the references and their combination. The applicant contends that "Schaefer does not disclose manually switching the power supply to provide power to the audio circuit from the battery pack." The applicant concedes that "Schaefer does disclose providing a first power supply and a second power supply." The examiner would like point out element 32, which is a manual switch the switches between the two power supplies.

Regarding the applicant's argument for claim 44, the examiner disagrees with the applicant's characterization of the references and their combination. The applicant contends that "Schaefer does not disclose a second electrical circuit for powering the audio circuit when the connector is disconnected from an AC power source. The examiner respectfully disagrees. The second circuit is the connections to the battery and switch 32 allows for using the battery pack or the AC power source via the changer.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 872-9314, (for formal communications intended for entry please label "EXPEDITED PROCEDURE," and informal or draft communications, please label "PROPOSED," or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Ray Persino

RP

July 25, 2001



DWAYNE BOST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600